

Nos. 24-11076, 24-11300, 24-11366,  
24-11367, 24-11428, 24-11444, and 24-11445

---

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

---

FLORIDA EAST COAST RAILWAY LLC (No. 24-11076); TEXAS & NORTHERN RAILWAY COMPANY (No. 24-11300); ASSOCIATION OF AMERICAN RAILROADS (No. 24-11366); AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION (No. 24-11367); INDIANA RAILROAD COMPANY (No. 24-11428); UNION PACIFIC RAILROAD COMPANY (No. 24-11444); and NEBRASKA CENTRAL RAILROAD COMPANY (No. 24-11445),

*Petitioners,*

v.

FEDERAL RAILROAD ADMINISTRATION, ET AL.,  
*Respondents.*

**JOINT MOTION TO SET BRIEFING SCHEDULE**

***Association of American Railroads et al. v. Federal Railroad Administration et al. (Consolidated Cases 24-11076, 24-11300, 24-11366, 24-11367, 24-11428, 24-11444, 24-11445)***

**Certificate of Interested Persons and Corporate Disclosure Statement**

Pursuant to Federal Rule of Appellate Procedure 26.1 and this Court's Rule 26.1-2(c), undersigned movants certify to the best of their knowledge that the following is a complete list of persons and entities that have an interest in the outcome of these consolidated cases:

1. American Short Line and Regional Railroad Association
2. Association of American Railroads
3. Behravesh, Rebecca S.
4. BNSF Railway Company
5. Bose, Amit
6. Boyton, Brian
7. CSX Corporation (ticker symbol: CSX)
8. CSX Transportation, Inc.
9. Dupree Jr., Thomas H.
10. Federal Railroad Administration
11. FTAI Infrastructure Inc. (ticker symbol: FIP)
12. Geier, Paul M.
13. Gibson, Dunn & Crutcher, LLP

***Association of American Railroads et al. v. Federal Railroad Administration et al. (Consolidated Cases 24-11076, 24-11300, 24-11366, 24-11367, 24-11428, 24-11444, 24-11445)***

14. Gilbert, Samuel
15. Indiana Rail Road Company
16. Ishihara Fultz, Allison
17. Iyer, Subash
18. Lee, Paula
19. Midland United Corporation
20. Nebraska Central Railroad Company
21. Percy Acquisition LLC
22. Rifkind, David
23. Rio Grande Pacific Corporation
24. Schnitzer, David A.
25. Smith, Betsy
26. Spencer, Jacob T.
27. Stinson LLP
28. Texas & Northern Railway Company
29. Totaro, Martin
30. Transtar, LLC
31. U.S. Department of Transportation

***Association of American Railroads et al. v. Federal Railroad Administration et al. (Consolidated Cases 24-11076, 24-11300, 24-11366, 24-11367, 24-11428, 24-11444, 24-11445)***

32. Union Pacific Railroad Company
33. Van Nostrand, Christopher F.
34. Wright, Abby

Dated: May 20, 2024

Respectfully submitted,

/s/ Martin Totaro

ABBY C. WRIGHT  
MARTIN TOTARO  
Attorneys  
Civil Division, Appellate Staff  
U.S. Department of Justice  
950 Pennsylvania Ave. N.W.,  
Rm. 7525  
Washington, D.C. 20530  
(202) 305-1754

*Attorneys for Respondents*

/s/ Thomas H. Dupree Jr.

Thomas H. Dupree Jr.  
Jacob T. Spencer  
David A. Schnitzer  
Gibson, Dunn & Crutcher LLP  
1050 Connecticut Ave. NW  
Washington, D.C. 20530  
(202) 955-8500

*Attorneys for Association of  
American Railroads  
(petitioner in No. 24-11366)*

## **JOINT MOTION TO SET BRIEFING SCHEDULE**

Petitioner Association of American Railroads (“AAR”) (petitioner in No. 24-11366) and respondents Federal Railroad Administration; Amit Bose, in his official capacity as Administrator, Federal Railroad Administration; and United States Department Of Transportation, together with the consent of all parties to this consolidated proceeding, jointly file this unopposed motion to set a briefing schedule.

1. This is a consolidated proceeding involving challenges to a final rule of the Federal Railroad Administration issued on April 2, 2024, entitled “Train Crew Size Safety Requirements” (the “Rule”). On April 24, 2024, the Judicial Panel on Multidistrict Litigation consolidated all petitions for review of the Rule in this Court. Petitions originally filed in other circuits were transferred to this Court, which consolidated them with No. 24-11076 (originally filed in this Court). On May 15, 2024, respondents filed an index of the administrative record. On May 16, 2024, this Court issued a consolidated briefing notice.

2. Petitioners have organized themselves into two groups, each of which will file a principal and reply brief. The AAR petitioners include

the petitioners in Nos. 24-11076, 24-11366, 24-11428, and 24-11444.<sup>1</sup>

The Short Line petitioners include the petitioners in Nos. 24-11300, 24-11367, and 24-11445. In addition, the International Association of Sheet Metal, Air, Rail and Transportation Workers – Transportation Division has moved to intervene as a respondent.

3. The parties respectfully request, pursuant to 11th Circuit Rules 27-1, 37-1 and 37-2, that the Court modify the existing briefing schedule and enter the following briefing schedule.

<b>Date</b>	<b>Event</b>	<b>Word Limit</b>
July 26, 2024	Petitioners' Briefs	13,000 per brief
September 24, 2024	Respondents' Brief	26,000
October 1, 2024	Any Intervenor's Brief	13,000
October 31, 2024	Petitioners' Reply Briefs	8,000 per brief

The time for filing a petition for review has not yet run, and if any other petitioner seeks review the schedule may have to be altered by

---

<sup>1</sup> The Fifth Circuit has not yet transferred its Case No. 24-60173, *BNSF Railway Co. v. Federal Railroad Administration*. The petitioner in that case will join the AAR petitioners' brief.

future motion, but that possibility should not impede the Court from granting this motion.

/s/ Martin Totaro

Abby C. Wright  
Martin Totaro  
Attorneys  
Civil Division, Appellate Staff  
U.S. Department of Justice  
950 Pennsylvania Ave. N.W.,  
Rm. 7525  
Washington, D.C. 20530  
(202) 305-1754

*Attorneys for Respondents*

/s/ Thomas H. Dupree Jr.

Thomas H. Dupree Jr.  
Jacob T. Spencer  
David A. Schnitzer  
Gibson, Dunn & Crutcher LLP  
1050 Connecticut Ave. NW  
Washington, D.C. 20530  
(202) 955-8500

*Attorneys for Association of  
American Railroads  
(petitioner in No. 24-11366)*

## **CERTIFICATE OF COMPLIANCE**

The foregoing complies with the limits of Fed. R. App. P. 27(d)(1) and (2) because it is set in fourteen-point New Century Schoolbook and is 353 words in length.

/s/ Thomas H. Dupree Jr.